

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

MARCH 7, 2016

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

The meeting began at 7:01 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mrs. Nadeau, Mr. Soly, Mr. Zwolenski and Mr. Boucher. Also in attendance was Town Solicitor Igliozi. Town Administrator Hamilton did not attend.

OUTDOOR SOUND SYSTEM PERMIT - KNIGHTS OF COLUMBUS CAR SHOW/P. VADENAIS

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau and Mr. Soly, and voted unanimously on a roll call vote to grant an outdoor sound system permit to the Frehill Council #5702 Knights of Columbus for a car show to be held on July 31, 2016 at the North Smithfield Middle School from 10:00 A.M. to 2:00 P.M. This is to raise funds for their scholarship fund.

PUBLIC HEARING ZONING ORDINANCE AMENDMENT SEC. 5.7 GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

Mr. Zwolenski explained that the Ad Hoc Ordinance Review Committee was meeting once a month which did not give them the proper amount of time to review the ordinances. They plan to begin meeting twice a month.

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted

unanimously on a roll call vote to continue the public hearing to May 2, 2016.

**PUBLIC HEARING ZONING ORDINANCE AMENDMENT SEC. 6.13
PARKING AND STORAGE OF CERTAIN VEHICLES**

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on a roll call vote to continue the public hearing to May 2, 2016.

**PUBLIC HEARING ZONING ORDINANCE AMENDMENT SEC. 6.14
PARKING, STORAGE OR USE OF MAJOR RECREATIONAL
EQUIPMENT**

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on a roll call vote to continue the public hearing to May 2, 2016.

**PUBLIC HEARING RE: ABANDONMENT OF SECTION OF MCMULLEN
AVENUE**

Because the abutter had not been previously notified, MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to continue this public hearing to March 21, 2016.

PAYMENT OF BILL TO C & C GARAGE - USE OF LOCAL VENDORS

Although Mrs. Nadeau did not have an issue with payment of a prior bill to C & C Garage, she would prefer that the town use local vendors whenever possible.

Public Works Director Raymond Pendergast noted that C & C used to be in North Smithfield but moved to a new location out of town; however, they are still a state licensed inspection station. The department does use varying stations depending on which trucks need to be inspected and the availability of the station.

OLD TIFFT ROAD BLOCKADE ISSUE

Once again Mr. Stephen Bator was looking for some assistance from the town in gaining access to his family's property because the road has been blocked by boulders for many years. He provided numerous documents and maps to the Town Council.

Mr. Bator believes that MCS Enterprises and Holliston Sand Company are mining the area. With the road blocked, Holliston can impede anyone from knowing what is going on. Any party should have to abide by town regulations. He wants to have the barriers removed so that abutters may access their property and he would like to have the Stone property restored to how it was. After reading zoning board minutes, Mr. Bator was under the impression that the gravel removal was supposed to be an incidental use to farming operations and not a for-profit operation of salable commodities.

Mr. Igliozzi does not advise the Town getting involved in a court matter. One lawsuit concluded in favor of Holliston Sand and a second one is pending.

Ms. Julia Mayhew, daughter of William King, felt it would be advantageous for all parties involved to meet and discuss the situation and, hopefully, come to some resolution.

March 7, 2016

Ms. Lyn Spinella, owner of Brookside Equestrian Center, provided a map of the area and noted that the Bator/Stone land in question is and has always been land locked. There has never been an easement or right-of-way granted to the Stone family. The King property was always accessed by Old Oxford Road and in 2009 Holliston Sand went to court and took possession of Old Oxford Road by adverse possession. The reason why Old Tifft Road was gated and boulders put up there is because there was a tremendous problem with dumping and kids riding their ATVs and opening up all Ms. Spinella's paddock gates and letting the horses out. Ms. Spinella believes this is a civil matter and the Town Council does not have the authority to grant a right-of-way. All of the excavation has been done legally through the town processes and 25 of the acres have already been reclaimed and planted.

Mrs. Nadeau suggested that the complainants hire a lawyer to find out about the lawsuit in which the outcome was favorable to Holliston and appeal it if necessary. If it is determined that an easement can be granted for public access, then Mrs. Nadeau will ask the Town

Solicitor what can be done to condemn Old Tifft Road and make it a town road.

Mr. Igliozzi commented that the neighbors should file a complaint with the zoning enforcement officer in regards to the mining and extraction.

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to discuss at the next meeting the activity at Brookside Equestrian Farm and the extraction of materials consistent with the zoning variance in force at that time.

ORDINANCE AMENDMENT SEC. 2-222 TOWN VEHICLES

MOTION by Mr. Boucher, seconded by Mr. Soly, and voted unanimously on a roll call vote to discuss the red-lined amendment to the ordinance received on March 3, 2016.

There was discussion about excluding public works vehicles from the ordinance, getting rid of the current “400000” plate and replacing it with a town plate, marking the town vehicles, not already marked with a twelve-inch seal, with a sixteen-inch seal going forward.

Town Planner Robert Ericson commented that this vehicle was purchased as an energy project. It is very economical on gas, has lower emissions, and it brought the cost of a car down from \$30,000 to \$16,000. He recommended sending the ordinance to the Ad Hoc

Ordinance Review Committee.

Mrs. Nadeau felt the ordinance was far too restrictive although she was not against an ordinance protecting the use of town vehicles.

Steven Vowels questioned the “de minimus” language and if the town was reporting the use as taxable income to the Internal Revenue Service.

The matter was continued to March 21, 2016 for a first reading.

MARKING OF ALL TOWN VEHICLES

Mr. Boucher stated that, according to the Town Charter, all town vehicles shall be marked. He feels that includes the Administrator’s car.

MOTION by Mr. Boucher, seconded by Mr. Soly, and voted unanimously on a roll call vote to direct the Town Administrator to enforce the existing ordinance and have the seal put on the Ford Focus because it is a town car.

Mrs. Nadeau clarified her vote noting that it seems like a witchhunt because no one can recall any former Administrator having to place a seal on their vehicle but she is willing to move forward with this ordinance.

MOTION by Mr. Boucher, seconded by Mr. Zwolenski and Mr. Soly, and voted unanimously on a roll call vote to direct the Town Administrator to make her town vehicle available within seventy-two hours to a town

March 7, 2016

employee with a valid driver's license who will deliver the vehicle to the public works department to affix the town seal.

FINANCE PROCEDURES

Finance Director Jason Parmelee came up with six internal policies regarding the town's financial procedures/practices that need to be addressed.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to refer policies regarding language for fund balance, investments, purchasing and standardized fees to the Budget Committee for review.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote at 10:00 P.M. to extend the meeting to 10:30 P.M.

DONATION FOR TOWN EASTER EGG HUNT

MOTION by Mr. Soly, seconded by Mr. Boucher, and voted

unanimously on a roll call vote to move this item up next on the agenda.

Mr. Pendergast requested \$1,000 for the town's Easter Egg Hunt. The Kiwanis Club, who used to donate \$500, is no longer doing fundraising. There is no line item in the budget anymore for Mr. Pendergast to use.

MOTION by Mr. Soly, seconded by Mr. Zwolenski, Ms. Alves, Mrs. Nadeau and Mr. Boucher, and voted unanimously on a roll call vote to take \$1,000 out of Council Donations in the budget.

WATER CISTERN PLACEMENT

Chief Jillson explained that a large corporation has committed to funding the cost of a water cistern as long as it is not placed on his property. The Town has held \$60,000 for nearly two years. Chief Jillson has located town property where the cistern could be located at the corner of Brentwood Drive and Woonsocket Hill Road.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to approve the installation of a 10,000 gallon water cistern on town land located on plat 8, lot 275.

BONDS FOR ROAD, MUNICIPAL BUILDINGS AND SCHOOLS

Mrs. Nadeau stated that the roads are on schedule and within budget.

Municipal building design is one hundred percent complete.

Vendors are needed for furniture, fixtures and equipment, IT and security. The Annex building is a little over budget and Kendall-Dean is a little under. Mrs. Nadeau would like Mr. Boucher to write a letter to School Committee Chairwoman Merredythe Nadeau asking her to direct Superintendent Lindberg or his designee to assist with vendors for furniture and equipment for Kendall-Dean.

APPOINTMENT TO BOARD OF CANVASSERS

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski and Mr. Boucher, and voted unanimously on an aye vote to move this item up next.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher and Mr. Soly, and voted unanimously on a roll call vote to reappoint J. Douglas Bennett to the Board of Canvassers. This is a six-year term that will expire on March 1, 2022.

FUNDING FOR SIGNAGE AND ROADWAY NEEDS - PARE CORPORATION PROPOSAL

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau and Mr. Boucher, and voted unanimously on a roll call vote to appropriate an amount not to exceed \$4,400 from the Contingency Account.

NAMING OF THE PUBLIC WORKS DEPARTMENT BUILDING

MOTION by Mr. Boucher, seconded by Mr. Soly, and voted unanimously on a roll call vote to name the highway department barn

after former Town Administrator Arthur Denomme.

EXECUTIVE SESSION

MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted unanimously on a roll call vote to enter into executive session at 10:21 P.M.

March 7, 2016

pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation or work sessions pertaining to collective bargaining or litigation discuss Rockcliff Farms Development Sewer Assessment.

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on a roll call vote to come out of executive session at 11:20 P.M. and to seal the minutes. No motions were made and no votes were taken.

MOTION by Mr. Soly, seconded by Ms. Alves, and voted unanimously on an aye vote to adjourn at 11:21 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk